IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2504 OF 2002

Society of St.Helena's School .. Petitioners

Versus

Mrs.Cherry D. Ojha .. Respondents

Mr.P.B.Shah for petitioners

CORAM : S.C.DHARMADHIKARI, J.

DATE : DECEMBER 16, 2004.

P.C.

. This petition under Article 227 of the Constitution of India challenges an interim order passed by Presiding Officer of the School Tribunal. Tribunal has by the impugned order

stayed the implementation and execution of the order dated 16th April 2001 terminating services of the teacher respondent before me.

2. It appears that notice was issued to respondents which was made returnable on 17th June 2002. Thereafter, petitioner reported that the address of respondent has changed. Leave was granted by this Court to amend the petition and incorporate changed address of respondent as also to take steps to serve respondent at the changed address. Despite several opportunities neither is the amendment carried out nor the respondent served. This Court had granted time once again on 8th April 2004 but it was reported that amendments are not carried out. Order under challenge is an interim order and the main appeal under section 9 is pending. Needless to observe that all contentions would be open for being agitated and the observations made in the impugned order would not constitute a bar for

petitioner raising them nor the Tribunal shall be influenced by them and consider the appeal on its own merits in accordance with law, if the main appeal is pending and not disposed of. With this clarification there is no need to interfere with the interim order of the Tribunal. Petitioner is accordingly disposed of.

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